



Reprinted  
March 6, 2001

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## HOUSE BILL No. 1757

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DIGEST OF HB 1757 (Updated March 5, 2001 3:25 PM - DI 106)

**Citations Affected:** IC 34-20.

**Synopsis:** Asbestos statute of repose. Removes a provision restricting the statute of repose exception in asbestos product liability cases to persons who both mined and sold asbestos. Exception now applies to persons who mined asbestos or sold asbestos containing products.

**Effective:** July 1, 2001.

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**Hasler, Liggett, Young D, Dumezich**

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January 17, 2001, read first time and referred to Committee on Judiciary.  
February 26, 2001, amended, reported — Do Pass.  
March 5, 2001, read second time, amended, ordered engrossed.

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HB 1757—LS 7522/DI 106+



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First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

## HOUSE BILL No. 1757

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A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1       SECTION 1. IC 34-20-3-2 IS AMENDED TO READ AS  
2       FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) A product  
3       liability action that is based on:  
4               (1) property damage resulting from asbestos; or  
5               (2) personal injury, disability, disease, or death resulting from  
6               exposure to asbestos;  
7       must be commenced within two (2) years after the cause of action  
8       accrues. The subsequent development of an additional asbestos related  
9       disease or injury is a new injury and is a separate cause of action.  
10       (b) A product liability action for personal injury, disability, disease,  
11       or death resulting from exposure to asbestos accrues on the date when  
12       the injured person knows that the person has an asbestos related  
13       disease or injury.  
14       (c) A product liability action for property damage accrues on the  
15       date when the injured person knows that the property damage has  
16       resulted from asbestos.  
17       (d) This section applies only to product liability actions against:

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- 1 (1) persons who mined ~~and asbestos~~ or sold ~~commercial~~ asbestos  
2 **containing products;** and  
3 (2) funds that have, as a result of bankruptcy proceedings or to  
4 avoid bankruptcy proceedings, been created for the payment of  
5 asbestos related disease claims or asbestos related property  
6 damage claims.  
7 (e) For the purposes of IC 1-1-1-8, if any part of this section is held  
8 invalid, the entire section is void.  
9 (f) Except for the cause of action expressly recognized in this  
10 section, this section does not otherwise modify the limitation of action  
11 or repose period contained in section 1 of this chapter.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1757, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, reset in roman line 17.

Page 2, line 1, reset in roman "(1) persons who mined".

Page 2, line 1, after "and" insert "**or**".

Page 2, line 1, reset in roman "sold commercial asbestos; and".

Page 2, reset in roman lines 2 through 5.

Page 2, line 6, reset in roman "(e)".

Page 2, line 6, delete "(d)".

Page 2, line 8, reset in roman "(f)".

Page 2, line 8, delete "(e)".

and when so amended that said bill do pass.

(Reference is to HB 1757 as introduced.)

STURTZ, Chair

Committee Vote: yeas 9, nays 0.

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## HOUSE MOTION

Mr. Speaker: I move that House Bill 1757 be amended to read as follows:

Page 2, line 1, after "mined and" insert "**asbestos**".

Page 2, line 1, strike "commercial".

Page 2, line 1, delete ";" and insert "**containing products;**".

(Reference is to HB 1757 as printed February 27, 2001.)

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